

Notice of Allowability

Application No.

10/721,937

Applicant(s)

MOELLER ET AL.

Examiner

Art Unit

James R. Brittain

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's communication of December 2, 2005.
2. ☒ The allowed claim(s) is/are 2,3,5-13 & 15-20; renumbered 1-17, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

The following is an examiner's statement of reasons for allowance: Seron (US 2877598, figures 1, 3) is the closest art of record and teaches a whistle comprising a whistle body 112 having a first aperture 111 and a second aperture in the upper portion of the whistle and a frame 110 positioned over the whistle body in such a manner so that an enlarged opening in the frame 110 prevents the frame from blocking the second aperture of the whistle body so that when air is passed through the first aperture in the whistle body, the air is allowed to continue to pass through the second aperture of the whistle body and the opening in the outer frame to create a piercing sound. In regard to claim 2, there is no suggestion to modify the whistle of Seron so as to be a zipper pull mechanism with an attachment device having a first free end and a second free end such that the free ends of the attachment device are captured between the whistle body and the outer frame in a manner that allows the attachment device to include a looped portion outside the whistle body and the outer frame that is adapted for attachment to a zipper member because the whistle of Seron simply uses a loop completely dissociated from the outer frame. As to claim 3, there is no suggestion to modify the whistle of Seron so as to be a zipper pull mechanism with the back end of the whistle body being open and a removable cap is further provided and adapted to be attached to the back end of the whistle body so as to close the back end of the whistle body while still maintaining the overlying orientation of the frame relative to the whistle body because the whistle body of Seron has a completely closed back end and the removable cap permits the device to be selectively used as a whistle, a benefit pointed out in the specification [0024]. In regard to claim 5, there is no suggestion to modify the whistle of Seron so as to be a zipper pull mechanism with the outer frame further defining a concave shaped top surface wall, the opening in the outer frame being positioned within the concave shaped top surface wall thereby allowing

Art Unit: 3677

easier gripping of the device as a zipper pull as indicated in the specification [0025]. As to claim 7, there is no suggestion to modify the whistle of Seron so as to be a zipper pull mechanism with a hole in the bottom surface of the whistle body for permitting the escape of fluid out of the bottom surface of the whistle body because the frame of Seron completely covers the bottom surface of the whistle body and there is therefore no reason to place a hole in the bottom surface of the whistle body since the fluid would be blocked from exiting by the outer frame. In regard to claim 8, there is no suggestion to modify the whistle of Seron so as to be a zipper pull mechanism with an attachment device having a first free end and a second free end such that the free ends of the attachment device are captured between the whistle body and the outer frame in a manner that allows the attachment device to include a looped portion outside the whistle body and the outer frame that is adapted for attachment to a zipper member because the whistle of Seron simply uses a loop completely dissociated from the outer frame. As to claim 9, there is no suggestion to modify the whistle of Seron so as to be a zipper pull mechanism with the back end of the whistle body being open and a cap is further provided that is adapted for removal from the whistle and connected to the back end of the whistle body so as to close the back end of the whistle body while still maintaining the overlying orientation of the frame relative to the whistle body because the whistle body of Seron has a completely closed back end and the removable cap permits the device to be selectively used as a whistle, a benefit pointed out in the specification [0024]. In regard to claim 15, there is no suggestion to modify the whistle of Seron so as to be a zipper pull mechanism with the back end of the whistle body being open and a cap is further provided and connected to the back end of the whistle body so as to close the back end of the whistle body while still maintaining the overlying orientation of the frame relative to the whistle

Art Unit: 3677

body because the whistle body of Seron has a completely closed back end and further modify the whistle of Seron such that it includes a cord having a first free end and a second free end such that the free ends of the cord are captured between the whistle body and the outer frame in a manner that allows the cord to include a looped portion outside the whistle body and the outer frame that is adapted for attachment to a zipper mechanism.

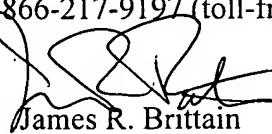
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB